



Appl. No. 10/733,981  
Resp. Dated August 14, 2006

AP  
Ifw

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/733,981  
Applicant : Toshihiko Munetsugu et al.  
Filed : December 11, 2003  
Title : DATA PROCESSING DEVICE AND METHOD FOR  
SELECTING MEDIA SEGMENTS ON THE BASIS OF A  
SCORE (*as amended*)  
Conf. No. : 1257  
TC/A.U. : 2176  
Examiner : Maikhanh Nguyen  
Customer No. : 000,116  
Docket No. : 32161US2

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY AND REMARKS**

Sir:

This paper is filed in response to the Office action of March 20, 2006, and the Interview Summary of July 11, 2006. Note that no extension of time fee is considered due because the Examiner has withdrawn the Office action of March 20, 2006, via the Interview Summary of July 11, 2006, and thus there is no outstanding action in this case requiring a response at this time.

**Remarks/Arguments begin on page 2 of this paper.**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert F. Bodi  
Name of Attorney for Applicant(s)

August 14, 2006

Signature of Attorney/Date

**REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claims 37-64 are pending in this application. Claims 1-36 have been canceled.

In telephone interviews conducted on June 26, 2006 and July 5, 2006, it was pointed out to the Examiner that the claims examined in the Office action of March 20, 2006, were not the current claims in this case. These claims had been provided in a supplementary amendment filed on March 10, 2006, a courtesy copy of which was faxed to the Examiner, and prior notification of which was also provided to the Examiner. The Examiner had stated that she would enter and examine the newly filed claims. Following this filing, the Examiner initiated a telephone interview during which she offered to allow certain of the newly filed claims if others of the newly filed claims were canceled. However, applicant's representative stated that applicant desired that a formal action be issued with the grounds for rejection of any claims identified.

But, as pointed out to the Examiner during the telephone interview of June 26, 2006, the claims actually rejected were not the newly filed claims, but the previously filed claims. As supported by the Interview Summary of July 11, 2006, the Examiner agreed that the wrong claims had been examined, and she agreed to issue a new action in this case with the proper claims examined.

Accordingly, applicant considers the outstanding action in this case to be withdrawn, and is awaiting a new action in this case. No further response by applicant is considered necessary.

If for any reason the Examiner disagrees with these remarks, the Examiner is invited to initiate a telephone interview with the undersigned attorney to discuss these matters. If there are

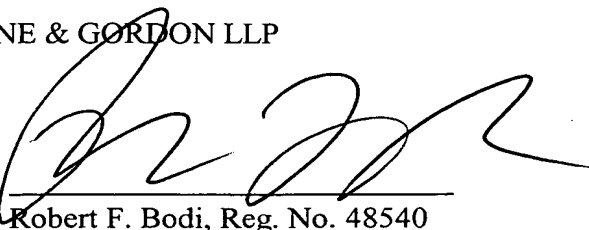
Appl. No. 10/733,981  
Resp. Dated August 14, 2006

any fees resulting from this communication, please charge same to our Deposit Account No.  
16-0820, our Order No. 32161US2.

Respectfully submitted,

PEARNE & GORDON LLP

By:

A handwritten signature in black ink, appearing to be 'R. Bodi', written over a horizontal line.

Robert F. Bodi, Reg. No. 48540

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: August 14, 2006